

BAY COUNTY ELECTION COMMISSION

BANGOR TWP. SCHOOL BD. CLARITY  
DECEMBER 23, 1996

THE BAY COUNTY ELECTION COMMISSION MET ON THE MORNING OF MONDAY, DECEMBER 23, 1996 IN THE COMMISSIONERS' GROUND FLOOR CONFERENCE ROOM OF THE BAY COUNTY BUILDING. THE PURPOSE OF THE MEETING WAS TO CONSIDER THE CLARITY OF RECALL PETITION LANGUAGE FILED IN THE CASE OF SIX (6) BANGOR TOWNSHIP SCHOOL BOARD MEMBERS. THE MEETING WAS CALLED TO ORDER BY PROBATE JUDGE, KAREN TIGHE WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT:

ROLL CALL: KAREN TIGHE, PROBATE JUDGE  
BARBARA ALBERTSON, CLERK  
JEANETTE NEITZEL, TREASURER

ALSO PRESENT: JOHN SHARP, TRUSTEE/BANGOR BD.  
LINDA CAPRATHE, TRUSTEE/BANGOR BD.  
BILL JORDAN, TRUSTEE/BANGOR BD.  
WILLIAM ROESE, TRUSTEE/BANGOR BD.  
GEORGE PHILLIPS, ATTORNEY AT LAW  
SUE ROGGENBUCK, BANGOR RESIDENT  
BEV THEISEN, BANGOR RESIDENT  
KATHY ASCH, SCHOOL BD. SUPPORTER  
DANIEL ASCH, SCHOOL BD. SUPPORTER  
JEFF KART, BAY CITY TIMES

JUDGE TIGHE STATED THE LANGUAGE ON ALL SIX (6) PETITIONS WERE THE SAME WITH THE EXCEPTION OF THE INDIVIDUAL NAMES OF THE PERSONS ELECTED TRUSTEES ON SAID BOARD.

JEANETTE NEITZEL QUESTIONED WHAT THE SCHOOL BOARD POLICY REFERRED TO IN THE PETITION LANGUAGE SINCE A COPY OF THE POLICY WAS NOT ATTACHED TO THE RECALL PETITION FOR ELECTION COMMISSION MEMBERS TO REVIEW.

BEV THEISEN RESPONDED THE RECALL PETITION FORM DID NOT ALLOW ADEQUATE SPACE TO INCLUDE THE DETAILS OF THE SCHOOL BOARD POLICY REFERENCED.

ATTORNEY GEORGE PHILLIPS FELT THE POLICY DID NOT SAY THAT AND WAS LESS THAN CLEAR TO SAY THAT "LACK OF

ATTENDANCE" AT MEETINGS/MILLAGE MEETINGS, WHEN NOT REQUIRED BY POLICY, SHOULD NOT INDICATE THAT. FURTHER, THE POLICY SPOKE OF, TALKED ABOUT THE REMOVAL OF THE "OFFICERS" BUT THE PETITION STATED "FROM THE OFFICE OF BANGOR TOWNSHIP SCHOOL BOARD PRESIDENT" (IN THE CASE OF JOHN SHARP IN PETITION WORDING). THIS WAS IN ERROR SINCE HE WAS THE PRESIDENT OF THE SCHOOL BOARD BUT IT WAS NOT HIS ELECTIVE OFFICE. HIS ELECTIVE OFFICE WAS FOR "TRUSTEE". THE RECALL PETITION LANGUAGE ADDRESSED THE REMOVAL OF HIM AS "PRESIDENT" BUT NOT AS "TRUSTEE" IF HE DID NOT ATTEND SAID MEETINGS.

CLERK ALBERTSON THEN CLARIFIED BY STATING, THESE PERSONS WERE ALL ELECTED AS "TRUSTEES" AND NOT AS PRESIDENT, VICE-PRESIDENT, SECRETARY AND TREASURER AS REFLECTED ON THE RECALL PETITION SUBMITTED FOR CLARITY.

JUDGE TIGHE ASKED IF THE PETITIONERS HAD A COPY OF THE SCHOOL BOARD POLICY FOR THE ELECTION COMMISSION TO REVIEW.

MS. THEISEN SAID THE POLICY DID NOT SPECIFY THE NUMBER OF MEETINGS THESE INDIVIDUALS MAY MISS BUT IT WAS VERY CLEAR THAT A LACK OF ATTENDANCE WAS JUSTIFICATION FOR DISMISSAL FROM THIS BOARD.

JUDGE TIGHE POINTED OUT THE RECALL PETITION BEING DISCUSSED "SPOKE TO THE BOARD OF EDUCATION REMOVING AN OFFICER OF THE BOARD". THIS SHOULD BE MORE SPECIFIC AND INDICATE THE PUBLIC/TAXPAYERS WERE INITIATING THE ACT.

IN RESPONSE SHE WAS TOLD, THE LAW NOW GRANTED THE POWER OF RECALL TO THE PEOPLE AND THE STATE DID NOT GET INVOLVED WITH IT. YEARS AGO THE STATE WAS INVOLVED BUT SINCE THE LAW WAS CHANGED, THE ONLY WAY TO REPRIMAND A BOARD WAS BY THE TAXPAYERS.

THE RECALL PETITION SUBMITTED MADE REFERENCE TO AN "EVALUATION INSTRUMENT" AND THE BOARD ASKED FOR CLARIFICATION OF THIS STATEMENT. THIS WAS AN EVALUATION FORM TO COMPLETED ANNUALLY BY APRIL 1ST OF EACH YEAR BY CONTRACT. RECORDS SHOW THIS HAD NOT BEEN ACCOMPLISHED ON TIME, NOT UNTIL JUNE OF THE YEAR.

ATTORNEY PHILLIPS REFUTED THIS ARGUMENT BY STATING THE CONTRACT DID NOT REQUIRE AN ANNUAL EVALUATION BY THE APRIL 1ST DATE. HE QUOTED TERMS OF THE CONTRACT THAT PROVIDED CONDITIONS UNDER WHICH A CONTRACT MAY/MAY NOT BE RENEWED. THE CONTRACT EXPIRATION DATE REMAINED JUNE 30TH AND "AT LEAST 90 DAYS PRIOR TO AN EXPIRATION OF A CONTRACT, THE SCHOOL WAS REQUIRED TO PROVIDE NOTICE OF RENEWAL". THIS IS HOW THE COMMITTEE CAME UP WITH THE APRIL 1ST DATE BUT IT DID NOT INCLUDE A PROVISION FOR AN EVALUATION IN HIS OPINION. MR. PHILLIPS FELT THE PERSONS INSTRUMENTAL IN THIS RECALL WERE OBJECTING TO THE WAY THE CONTRACT WAS RENEWED ONLY ONE (1) YEAR AT A TIME. FURTHER, "FAILURE TO EVALUATE THE EMPLOYMENT CONTRACT, AS REQUIRED BY THE SCHOOL BOARD POLICY, WAS MISLEADING, UNCLEAR AND SHOULD BE STRIKEN OUT OR REWORDED TO REFLECT WHAT THEY WERE ACTUALLY TALKING ABOUT, TO NOT RENEW THE CONTRACT".

MR. PHILLIPS FURTHER OBJECTED TO THE FILING OF A RECALL PETITION AGAINST MEMBER BILL JORDAN SINCE HE WAS NOT IN OFFICE DURING THIS TIME. A RECALL COULD ONLY BE FILED FOR ACTION WHICH OCCURRED DURING THE CURRENT TERM. MR. JORDAN CONFIRMED HE WAS ON THE BOARD AT THAT TIME, BUT, THOUGHT THE LAW ALLOWED A RECALL FOR AN ISSUE ONLY IN ONES CURRENT TERM. CLERK ALBERTSON CONFIRMED.

THE "NON-RESPONSIVENESS TO PUBLIC REQUESTS FOR INFORMATION" ALSO APPEARED CONFUSING IN THE OPINION OF ATTORNEY PHILLIPS. WHAT DID THE RECALL PETITIONERS MEAN BY THE WORD "PUBLIC" REQUESTS? THIS SHOULD BE WORDED MORE CLEARLY. SCHOOL BOARD POLICY NUMBERS 1340 AND 8110 WERE FREEDOM OF INFORMATION ACT TYPE REQUESTS BUT WERE EXEMPT AS THEY INVOLVED THE EVALUATION OF PERSONNEL. IT WAS NOT THE RESPONSIBILITY OF THE TRUSTEES TO ISSUE SUCH INFORMATION BUT SCHOOL BOARD AS A WHOLE OR ADMINISTRATION.

THE EVALUATION OF MR. HARTMAN'S CONTRACT WAS FURTHER DISCUSSED. OBJECTIONS WERE EVIDENCED TO THE DELAY IN THE EVALUATION. THE COMMITTEE WAS NOT CONCERNED WITH THE RENEWAL OF MR. HARTMAN'S CONTRACT BUT ONLY THE SCHOOL BOARD WHICH WERE TWO (2) SEPARATE ISSUES. THE RECALL HAD BEEN INITIATED DUE TO A LACK OF ATTENDANCE

FOR WHICH THE PETITIONERS FELT THE GENERAL PUBLIC SHOULD HAVE THE FINAL SAY FOR A REMOVAL FROM OFFICE.

SUE ROGGENBUCK CONFIRMED THE INFORMATION OF ATTORNEY PHILLIPS, THAT RESULTS OF EMPLOYEE EVALUATIONS WERE TO BE KEPT PRIVATE BUT IN THIS CASE, DR. HARTMAN REQUESTED HIS HEARING BE MADE PUBLIC.

CHAIRPERSON TIGHE REQUESTED ONE VOTE ON ALL SIX (6) RECALL PETITIONS SINCE THE LANGUAGE WAS THE SAME WITH EXCEPTION OF THE INDIVIDUALS NAME AND POSITION HELD. THE MOTION WOULD BE TO APPROVE OR DISAPPROVE ALL THE RECALL PETITIONS FOR THEIR CLARITY.

NEITZEL-NAY, TIGHE-NAY, ALBERTSON-NAY. THE CLARITY OF THE SIX (6) RECALL PETITIONS SUBMITTED WAS DISAPPROVED.

THE MEETING WAS ADJOURNED BY CHAIRMAN TIGHE.

RESPECTFULLY SUBMITTED

BARBARA ALBERTSON  
BAY COUNTY CLERK